IN THE HIGH COURT OF JUDICATURE FOR
RAJASTHAN AT JODHPUR.

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S.B. CIVIL WRIT PETITION NO.2150/2005

Ram Naresh.

Versus

The Rajasthan State Ganganagar Sugar Mills Ltd. and ors.

Date of Order : 14.7.2005

PRESENT

HON'BLE MR. JUSTICE R.P. VYAS

Mr.J.Gehlot, for the petitioner/s
Mr.V.K.Agarwal, for the respondents.

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The instant petition has been filed by the petitioner with the prayer that the respondents be directed to correct the date of birth of the petitioner from 19.7.1945 to 5.10.1950 or in the alternative the respondents be directed to decide the representations (Ex.2 to 5) of the petitioner.

The brief facts of the case are that the petitioner is working under the respondent No.1 for last more than 35 years.

It has been averred by the petitioner in the writ petition that vide letter dtd.1.2.2005 (Ex.1), the

respondent No.1 informed the petitioner that his date of birth is 19.7.1945 and thus, he will be retiring on 18.7.2005.

The grievance raised by the petitioner in the instant writ petition is that the respondents issued an order dtd.18.7.1998, whereby applications for correction of date of birth with proof were invited. The petitioner also submitted a representation on 14.12.1998 along with true copies of Scholar's register and transfer certificate of the petitioner. However, the representation of the petitioner was not decided. The petitioner also submitted representations on 14.12.1998, 23.12.1998 and 15.3.2003, but to no avail. The petitioner has also relied on decision of this Court in the case of Hardwari Lal V/s The Rajasthan State Ganganagar Sugar Mills Ltd. and anr. (S.B.CWP No.591/1994 decided on 4.2.1994 and in the case of Dev Raj V/s The Rajasthan State Ganganagar Sugar Mills Ltd. (S.B. C.W.P. No.5751/2004) decided on 17.12.2004 in which this Court has directed the respondent No.1 to decide the pending representations within the time fixed by this Court. and Hence, this writ petition.

Reply to the writ petition has been filed by the respondents and their case is that at the time of entry into the service, the petitioner himself mentioned his date of birth as 19.7.1945 on PF form No.1 and thus, he is bound by the representation made by him. It has also been averred in the reply that the entry in the scholars register and transfer register are not proof of correct date of birth in absence of application of admission and hence, the representations (Ex.2 to 5) filed by the petitioner have become infructuous and hence, the writ petition be dismissed.

Heard the learned counsel for the parties at length.

During the course of argument, it has been requested by the learned counsel for the petitioner that the respondent No.1 be directed to consider the representations (Ex.2 to 5) filed by the petitioner. Since the request of the petitioner is only for consideration of the representations, therefore, the instant petition is disposed of at this stage by giving

a direction to the respondent No.1 to consider the representations of the petitioner in accordance with law only.

Thus, this writ petition filed by the petitioner is disposed of in the manner that the respondent No.1 is directed to decide representations (Ex.2 to 5) filed by the petitioner either way in accordance with law before 18.7.2005. If it is found that the petitioner is entitled for any relief in accordance with law, then the same may be given to the petitioner and if the petitioner is not found entitled to the relief sought for, then a reasoned and speaking order strictly in accordance with law may be passed.

(R.P.VYAS)J.

RM/-